U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2003-00246

PROJECT LOCATION INFORMA	TION:

State: New York County: Dutchess

Center coordinates of site (latitude/longitude): lat:41-38-24.0000 lon:73-52-18.0120

Approximate size of area (parcel) reviewed, including uplands: 6.22 acres.

Name of nearest waterway: Unnamed Tributary

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [] Date:

Site visit(s) [X] Date(s): 14 May 2003

Jurisdictional Determination (JD):

[]	Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.21 acres.
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

 [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

The wetland indicated as Wetland A flows to Drainage Ditch B. Drainage Ditch B discharges to Wappinger Creek, is a tributary to rhe Hudson River.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
[X] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
[X] clear, natural line impressed on the bank [] oil or seum line along shore objects
[] the presence of litter and debris [] fine shell or debris deposits (foreshore)
[] changes in the character of soil [] physical markings/characteristics
[] destruction of terrestrial vegetation [] tidal gages
[] shelving [] other:
[] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
[] survey to available datum, [] physical markings, [] vegetation mesichanges in vegetation types.
[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: The Chazen Companies.
Basis For Not Asserting Jurisdiction:
[] The reviewed area consists entirely of uplands.
[] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
[X] The Corps has made a case-specific determination that the following waters present on the site arc not Waters of
the United States:
[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to upland if the irrigation ceased.
[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and
retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
[] Artificial reflecting or swimming pools or other small ornamental bodies of water created
by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
[] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
the purpose of ohtaining fill, sand, or gravel unless and until the construction or excavation operation is
abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
328.3(a).
[X] Isolated, intrastate wetland with no nexus to interstate commerce.
[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
[] Other (explain):
TA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): [X] Maps, plans, plots or plat submitted by or on behalf of the applicant.
[X] Data sheets prepared/submitted by or on behalf of the applicant.
[X] This office concurs with the delineation report, dated August 2002, prepared by (company): Chazen Companies
[] This office does not concur with the delineation report, dated, prepared by (company):
Data sheets prepared by the Corps.
[] Corps' navigable waters' studies:
U.S. Geological Survey Hydrologic Atlas:
[X] U.S. Geological Survey 7.5 Minute Topographie maps: Pleasant Valley
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:
U.S. Geological Survey 15 Minute Historic quadrangles:
USDA Natural Resources Conservation Service Soil Survey:
[X] National wetlands inventory maps: Pleasant Valley
State/Local wetland inventory maps:
[] FEMA/FIRM maps (Map Name & Date):
[] 100-year Floodplain Elevation is: (NGVD)
[] Aerial Photographs (Name & Date):
[X] Other photographs (Date):
A dvaneed Identification Wetland maps:
[X] Site visit/determination conducted on: May 14, 2003
Applicable/supporting case law:
[] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., oceurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2003-00970

PROJECT	LOCA	MOIT	INFO	RMA	TION:
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State: New York County: Sullivan

Center coordinates of site (latitude/longitude): lat:41-38-12.0120 lon:74-43-36.0120 Approximate size of area (parcel) reviewed, including uplands: 120.28 acres.

Name of nearest waterway: Unnamed Tributary
Name of watershed: DELAWARE RIVER

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [] Date:

Site visit(s) [X] Date(s): 13AUG03, 26MAY04

[] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).	le
[X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:	
[X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 19.59 acres.	
[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.	

[] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebh and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include an intermittent stream which is an unnamed tributary to the Mongaup River, which flows to the Delaware River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[X] shelving	[] other:
[] other:	
[] other.	
[] Mean High Water Mark indicated by:	
•	T. I. separate tion 1 in a / alternation in a second tion to the second
[] survey to available datum; [] physical marking	ss, [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFI	R part 328(a)(1 2 or 4-7)
[] Headquarters declined to approve jurisdiction on the	
	that the following waters present on the site are not Waters of
the United States:	that the following waters present on the site are not waters of
[] Waste treatment systems, including treatment po	ands or laggons, nursuant to 33 CFD part 378 3
[] Artificially irrigated areas, which would revert t	
[] Artificial lakes and ponds ereated by exeavating	* •
-	such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other	
by excavating and/or diking dry land to retain w	
[] Water-filled depressions created in dry land inei	dental to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel un!	ess and until the construction or exeavation operation is
abandoned and the resulting body of water meet	s the definition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to inte	erstate commeree.
	Natural Resources Conscrvation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	
[] Other (explain):	,,
[] • (b).	
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf	If of the applicant.
[X] Data sheets prepared/submitted by or on behalf of	the applicant.
[] This office concurs with the delineation report, of	dated, prepared by (company):
[] This office does not concur with the delineation	
Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographie m	rans: Manticello USGS Quad Code: 041074f6
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 1.5 Minute Historic quadran	
• • • • • • • • • • • • • • • • • • • •	
[] USDA Natural Resources Conservation Service Soil	Survey:
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	NII D. / 4/0040450 457705
[X] FEMA/FIRM maps (Map Name & Date): Thomps	on, NY Panel: 360830025C 15FEB91
[] 100-year Floodplain Elevation is: (NGVD)	
[X] Aerial Photographs (Name & Date): MDOQ in Su	llivan Co. image folder on Regulatory GIS 1994/5/7
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: 13AUG03 a	and 26MAY04
[] Applicable/supporting ease law:	
Other information (please specify):	
f 3 L 1,	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01000 PROJECT LOCATION INFORMATION: New York State: Kings County: Center coordinates of site (latitude/longitude): lat:40-34-54.0120 lon:73-58-45.9840 Approximate size of area (parcel) reviewed, including uplands: 10 acres. Name of nearest waterway: Concy Island Creek Name of watershed: CONEY ISLAND CREEK JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, there appear to be "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [] (7) The presence of wetlands adjacent2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5) or B(3) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(3) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Coney Island Creek is subject to the ehb and flow of the tide and is navigable.

[] elear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation	[] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/eharacteristics [] tidal gages [] other:
[] other:	
	rkings; [] vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached v	wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 Headquarters declined to approve jurisdiction of The Corps has made a case-specific determination the United States: [] Waste treatment systems, including treatment artificially irrigated areas, which would revoked a property of the prope	In the basis of 33 CFR part 328.3(a)(3). In that the following waters present on the site are not Waters of the ponds or lagoons, pursuant to 33 CFR part 328.3. It is ponds or lagoons, pursuant to 33 CFR part 328.3. It is part of the irrigation eeased. It is part of the irrigation eeased in grader of the purposes as stock watering, irrigation, settling basins, or ther small ornamental bodies of water created in water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is neets the definition of waters of the United States found at 33 CFR interstate commerce. The Natural Resources Conservation Service. Explain rationale:
Maps, plans, plots or plat submitted by or on b Data sheets prepared/submitted by or on behalf [] This office concurs with the delineation report of the plate of the concurs with the delineation report of the plate of the concurs with the delineation report of the concurs of the concurs with the delineation of the concurs of the conc	nehalf of the applicant. of the applicant. ort, dated , prepared by (company): tion report, dated , prepared by (company): ic maps: idrangles: drangles:
	[] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:] Mean High Water Mark indicated by: [X] survey to available datum; [] physical ma Wetland boundaries, as shown on the attached waster in the presence of waters in 33 Headquarters declined to approve jurisdiction on the Corps has made a case-specific determination the United States: [] Waste treatment systems, including treatment [] Artificially irrigated areas, which would revel [] Artificial lakes and ponds created by excavaretain water and which are used exclusively rice growing. [] Artificial reflecting or swimming pools or of hy excavating and/or diking dry land to retain water and which are used exclusively rice growing. [] Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water in 328.3(a). [] Isolated, intrastate wetland with no nexus to [] Prior converted cropland, as determined by the converted cropland, as determined by the converted explain): IEWED FOR JURISDICTIONAL DETERMITY Maps, plans, plots or plat submitted by or on behalf [] This office does not eoneur with the delineated Data sheets prepared/submitted by or on behalf [] This office does not eoneur with the delineated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey 15 Minute Topographi U.S. Geological Survey 15 Minute Historic quay

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2003-01338 PROJECT LOCATION INFORMATION: New York State: County: Dutchess Center coordinates of site (latitude/longitude): lat:41-58-41.9880 lon:73-45-47.9880 Approximate size of area (parcel) reviewed, including uplands: 133.13 acres. Name of nearest waterway: Unnamed Tributary Hudson River - Poughkeepsie to Troy Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit(s) [X] Date(s):21APR04 Jurisdictional Determination (JD): [] Preliminary ID - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

- [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 - [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign eommerce.

[X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

reviewed area. Approximate size of jurisdictional area: 15.33 acres.

- [] (1) The presence of waters, which are eurrently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all rhat apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include intermittent streams which are unnamed tributaries to Little Wappinger Creek, which flows to Wappinger Creek, which flows to the Hudson River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or seum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[X] shelving	[] other:
[] other:	
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFI	R part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the	
	that the following waters present on the site are not Waters of
the United States:	that the following waters present on the site are not waters of
[] Waste treatment systems, including treatment po	ands or largons, pursuant to 33 CFR part 329 1
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
<u>₹</u>	such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other	
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is s the definition of waters of the United States found at 33 CFR
[X] Isolated, intrastate wetland with no nexus to int	erstate commerce
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavator	a on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	AINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on bchal	f of the applicant.
[X] Data sheets prepared/submitted by or on behalf of	the applicant.
[] This office concurs with the delincation report, of	
[] This office does not concur with the delineation	
[] Data sheets prepared by the Corps.	, p.
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic m	anc.
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadran	
[] USDA Natural Resources Conservation Service Soil	
[X] National wetlands inventory maps: Rock City NW	i map located on Regulatory G18 server.
[] State/Local wetland inventory maps:	
[X] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	AA
[X] Aerial Photographs (Name & Date): Dutchess DO	QQ located on Regulatory GIS server, May 2000
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: Site visit on	21APR04
[] Applicable/supporting case law:	
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01366 PROJECT LOCATION INFORMATION: State: New York County: Sullivan Center coordinates of site (latitude/longitude): lat:41-37-10.9920 lon:74-44-48.9840 Approximate size of area (parcel) reviewed, including uplands: 20.37 acres. Name of nearest waterway: Unnamed Tributary Name of watershed: DELAWARE RIVER JURISDICTIONAL DETERMINATION Desktop determination Completed: [] Date: Site visits [X]Date: December 14, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Cbeck all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 14 aeres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

- interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands on the site area associated with Lake Winston, which is a manmade impoundment within an unnamed tributary to the Mongaup River, which ultimately discharges into the Delaware River.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or seum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[X] shelving	[] other:
[] other:	
[] Mean High Water Mark indicated by:	
	gs; [] vegetation lines/changes in vegetation types.
[X] Wetland houndaries, as shown on the attached wet Dewberry and Goodkind, Inc.	tland delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CF	R part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on th	e basis of 33 CFR part 328.3(a)(3).
	that the following waters present on the site are not Waters of
the United States:	1 1 22 CPD + 200 2
[] Waste treatment systems, including treatment po	
[] Artificially irrigated areas, which would revert t	
[] Artificial lakes and ponds created by excavating	such purposes as stock watering, irrigation, settling basins, or
rice growing.	such purposes as stock watering, irrigation, setting basins, or
[] Artificial reflecting or swimming pools or other	small ornamental bodies of water created
by excavating and/or diking dry land to retain v	
	idental to construction activity and pits exeavated in dry land for
	less and until the construction or excavation operation is
	ts the definition of waters of the United States found at 33 CFR
328.3(a).	
[X] Isolated, intrastate wetland with no nexus to in	terstate commerce.
[] Prior converted cropland, as determined by the	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	ed on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on beha	If of the applicant.
[X] Data sheets prepared/submitted by or on behalf of	
	dated Oetober 31, 2003, prepared by Dewberry and Goodkind
[] This office does not concur with the delineation	rcport, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic n	
[] U.S. Geological Survey 7.5 Minute Historic quadra	
[] U.S. Geological Survey 15 Minute Historic quadrar [X] USDA Natural Resources Conscrvation Service So	
[X] National wetlands inventory maps:	ii dui vey.
[X] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date): 31 October 2003	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: 14 December	er 2004
[] Applicable/supporting case law:	
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-00430 PROJECT LOCATION INFORMATION: New York State: County: Orange Center coordinates of site (latitude/longitude): lat:41-18-49.2840 lon:74-33-13.3920 Approximate size of area (parcel) reviewed, including uplands: 121.58 aeres. Name of nearest waterway: Unnamed Tributary to Rutgers Creek Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Desktop determination Completed: П Date: Site visit(s) [X]Date(s): June 16, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 9.98 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include streams which are unnamed tributaries to Rutgers Creek, which flows into the Wallkill River, which flows into the Rondout Creek, which flows into the Hudson River, which is navigable.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR)	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	
	[] tidal gages
[] shelving	[] other:
[] other:	
F T NATION 1970 IN WASHINGTON TO A STATE OF THE STATE OF	
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR	l part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the	basis of 33 CFR part 328.3(a)(3).
	that the following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment por	nds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
	such purposes as stock watering, irrigation, settling basins, of
rice growing. [] Artificial reflecting or swimming pools or other:	small armamental hadies of water areated
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is
	the definition of waters of the United States found at 33 CFR
328.3(a).	
[X] Isolated, intrastate wetland with no nexus to into	
	latural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated	d on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	AINATION (mark all that apply).
[X] Maps, plans, plots or plat submitted by or on behalf	
[X] Data sheets prepared/submitted by or on behalf of t	* *
[] This office concurs with the delineation report, d	
[] This office does not concur with the delineation	report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic ma	
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadrang	
[X] USDA Natural Resources Conservation Service Soil	Survey: Orange County, NY
[X] National wetlands inventory maps: Unionville, NY-	NJ
[X] State/Local wetland inventory maps: Unionville, NY	Y-NJ
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: June 16, 200-	4
[] Applicable/supporting case law:	T
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2004-00673

PROJECT LOCATION INFORMATION:

State: New York
County: Essex

Center coordinates of site (latitude/longitude): lat:44-22-23.0160 lon:73-43-28.9920

Approximate size of area (parcel) reviewed, including uplands: 24.43 acres.

Name of nearest waterway: East Branch Ausable River Name of watershed: LAKE CHAMPLAIN

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [] Date:

Site visit(s) [X] Date(s): April 21, 2004

Jurisdictional Determination (JD):

[X	[] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
[]	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands1.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wctlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The East Branch of the Ausable River is a navigable waterway. The additional watercourse within the area is a tributary to the East Branch of the Ausable River. The wetlands in the subject area have a direct surface connection to the waterway.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[X] elear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/charaeteristics
	[X] destruction of terrestrial vegetation	[] tidal gages
	[X] shelving	[] other:
	[] other:	
	F. I. Marrier Water Mark in directed how	
	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	s: [] vegetation lines/changes in vegetation types
	[] Survey to available datain, [] physical marking	s, [] vegetation intestenances in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetla	nd delineation map prepared by: the New York State Department of Transportation
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entircly of uplands.	
	[] Unable to confirm the presence of waters in 33 CF.	R part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on th	
		hat the following waters present on the site are not Waters of
	the United States:	5 ,
	[] Waste treatment systems, including treatment po	ands or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert t	
	[] Artificial lakes and ponds created by excavating	
		such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or other	small ornamental bodies of water created
	by excavating and/or diking dry land to retain w	rater for primarily aesthetic reasons.
	[] Water-filled depressions created in dry land inci	dental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unl	ess and until the construction or exeavation operation is
		s the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[] Isolated, intrastate wetland with no nexus to inte	erstate commerce.
	[] Prior converted cropland, as determined by the ?	Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches exeavate	d on dry land. Explain rationale:
	[] Other (explain):	
D. W.	DELIVERATED TO TUDIONICIPIONAL DEPERMENTA	CYON (I Hala I I I
DATA	REVIEWED FOR JURISDICTIONAL DETERMINAT [X] Maps, plans, plots or plat submitted by or on behalt	• • • • • • • • • • • • • • • • • • • •
	[X] Data sheets prepared/submitted by or on behalf of	
	[] This office concurs with the delineation report, of	
	[] This office does not concur with the delineation	
	[] Data sheets prepared by the Corps.	report, dated , prepared by (company).
	[X] Corps' navigable waters' studies: Listing for Ausal	de River
	[] U.S. Geological Survey Hydrologic Atlas:	ile River
	[X] U.S. Geological Survey 7.5 Minute Topographie m	ans: Ausahle Forks/Lewis
	[] U.S. Geological Survey 7.5 Minute Historic quadran	
	U.S. Geological Survey 15 Minute Historic quadran	
	USDA Natural Resources Conservation Service Soil	
	[] National wetlands inventory maps:	our vey.
	State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[X] 100-year Floodplain Elevation is: 621ft (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[X] Other photographs (Date): October 8, 1996 and Au	gust 13, 1997
	[] Advanced Identification Wetland maps:	0
	[X] Site visit/determination conducted on: April 21, 20	04
	[] Applicable/supporting case law:	••
	[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-00915 PROJECT LOCATION INFORMATION: New York State: County: Orange Center coordinates of site (latitude/longitude): Jat:41-26-25.0800 lon:74-4-10.2000 Approximate size of area (parcel) reviewed, including uplands: 116 acres. Name of nearest waterway: Unnamed Tributary Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit [X] Date: August 25, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 34.49 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or arc presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign eommerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign conunerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waters within the wetlands, as well as the unnamed tributaries, flow into the Moodna Creek, which is a tributary of the Hudson River, which is considered to be navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR par [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	rts 328 and 329) [] High Tide Line indicated by: [] oil or seum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating a retain water and which are used exclusively for some rice growing. [] Artificial reflecting or swimming pools or other some by excavating and/or diking dry land to retain water and water-filled depressions ereated in dry land incided the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets 328.3(a). [X] Isolated, intrastate wetland with no nexus to interest are sufficiently sufficiently are sufficiently sufficien	hasis of 33 CFR part 328.3(a)(3). That the following waters present on the site are not Waters of ads or lagoons, pursuant to 33 CFR part 328.3. To upland if the irrigation ceased. The analysis and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created after for primarily aesthetic reasons. The analysis and until the construction activity and pits exeavated in dry land for ass and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR arstate commerce.
DATA REVIEWED FOR JURISDICTIONAL DETERM [X] Maps, plans, plots or plat submitted by or on behalf [X] Data sheets prepared/submitted by or on behalf of the state of the stat	F of the applicant. the applicant. the applicant. thated February 12, 2004, prepared by: ERS Consultants, Inc. the applicant. thated February 12, 2004, prepared by: ERS Consultants, Inc. the applicant. that is a second of the applicant of the applicant of the applicant of the applicant. The applicant of the applicant of the applicant of the applicant of the applicant. The applicant of the appli

¹Wetlands are identified and delincated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2004-00976

PROJECT LOCATION INFORMATION:

State: New York County: Saratoga

Center coordinates of site (latitude/longitude): lat:43-6-38.1600 lon:73-40-32.4840

Approximate size of area (parcel) reviewed, including uplands: 94.91 acres.

Name of nearest waterway: Unnamed Tributary to Cold Brook Name of watershed: HUDSON RIVER - NORTH OF TROY

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [] Date:

Site visit(s) [X] Date(s): October 20 and November 10, 2004

Jurisdictional Determination (JD):

[]	Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 14.42 acres
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

 [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waters on the site include wetlands and a pond that are contiguous with, and adjacent to an unnamed perennial stream that is a tributary to Cold Brook, which is a tributary to Fish Creek, a navigable water of the United States.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[X] Ordinary High Water Mark indicated hy:[X] clear, natural line impressed on the bank	[] High Tide Linc indicated by: [] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[X] changes in the character of soil	[] physical markings/characteristics
	[X] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
	[X] other: defined bed and banks	,,
	[] Mean High Water Mark indicated by:	
	[] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wet Gilbert VanGuilder Land Surveyor, PLLC	land delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area eonsists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CF	
	[] Headquarters declined to approve jurisdiction on th	
	[X] The Corps has made a case-specific determination the United States:	that the following waters present on the site are not Waters of
	[] Waste treatment systems, including treatment po	onds or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert t	
	[] Artificial lakes and ponds created by excavating	and/or diking dry land to collect and
	retain water and which are used exclusively for rice growing.	such purposes as stock watering, irrigation, settling basins, or
	[] Artificial reflecting or swimming pools or other	small ornamental bodies of water created
	by excavating and/or diking dry land to retain w	
		dental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unl abandoned and the resulting body of water meet	less and until the construction or excavation operation is is the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[X] Isolated, intrastate wetland with no nexus to int	
		Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavate [] Other (explain):	d on dry fand. Explain rationale.
DATA	REVIEWED FOR JURISDICTIONAL DETERMINAT	CION (mark all that apply):
2	[X] Maps, plans, plots or plat submitted by or on beha	
	[X] Data sheets prepared/submitted by or on behalf of	
	[] This office concurs with the delineation report, of	dated , prepared by (company):
		report, dated January 2004, prepared by (company):
	Copeland Environmental	
	[] Data sheets prepared by the Corps.	
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	O alon Cod an NW
	[X] U.S. Geological Survey 7.5 Minute Topographic m [] U.S. Geological Survey 7.5 Minute Historic quadran	
	[] U.S. Geological Survey 15 Minute Historic quadran	
	[X] USDA Natural Resources Conservation Service Soi	
	[] National wetlands inventory maps:	Tourtey. Salatoga County, 141
	[X] State/Local wetland inventory maps: Quaker Spring	gs. NY
	[] FEMA/FIRM maps (Map Name & Date):	,
	[] 100-year Floodplain Elevation is: (NGVD)	
	[X] Aerial Photographs (Name & Date):	
	[X] Other photographs (Date): November 3 and 11, 20	03, and October 20 and November 10, 2004
	[] Advanced Identification Wetland maps:	127
	[X] Site visit/determination conducted on: October 20	and November 10, 2004
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2004-00980

PROJECT LOCATION INFORMATION:

State: New York County: Saratoga

Center coordinates of site (latitude/longitude): lat:42-54-46.0080 lon:73-42-56.0160

Approximate size of area (parcel) reviewed, including uplands: 314 acres. Name of nearest waterway: Unnamed Tributary to the Old Champlain Canal

Name of watershed: HUDSON RIVER - NORTH OF TROY

.TI	TR	IS	DΙ	CTI	ON	ΔI	DET	CERN	MIN	ATI	ON

Completed:	Desktop determination	[]	Date:
	Site visit(s)	[X]	Date(s): October 25, 2004 and May 6, 2005

Jurisdictional Determination (JD):

$[\]$	Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to b	e no "v	waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary	JD is n	ot appealable
	(Reference 33 CFR part 331).		

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 31.795 acres.
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

 [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[]	The presence of	waters that	are subject t	o the ebb a	and flow	of the	tide and/or	are presently	y used, or	have	been	used
	in the past, or m	nav be susce	eptible for use	e to transpo	ort inters	tate or	foreign cor	птегсе.				

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[]	(1)	The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
		interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
[]	(2)	The presence of interstate waters including interstate wetlands ¹ .

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waters on the site include wetlands and ponds that are contiguous with, and adjacent to various unnamed tributaries to the Old Champlain Canal, a navigable water of the United States.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris [X] changes in the character of soil [X] destruction of terrestrial vegetation [] shelving [] tidal gages [] other: [] other:
	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Gilbert VanGuilder and Associates, PLLC
	Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). [X] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. [] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. [] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or exeavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). [X] Isolated, intrastate wetland with no nexus to interstate commerce. [] Prior converted eropland, as determined by the Natural Resources Conservation Service. Explain rationale: [] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: [] Other (explain):
H	[X] Maps, plans, plots or plat submitted by or on behalf of the applicant. [X] Data sheets prepared/submitted by or on behalf of the applicant. [X] This offfice concurs with the delineation report, dated September 2, 2004, prepared by (eompany): The Chazen Companies [] This offfice does not concur with the delineation report, dated prepared by (eompany): [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic maps: Mcchanieville, NY [] U.S. Geological Survey 7.5 Minute Historic quadrangles: [X] U.S. Geological Survey 15 Minute Historic quadrangles: [X] U.S. Datural Resources Conservation Service Soil Survey: Saratoga County, NY [X] National wetlands inventory maps: Mechanieville, NY [X] State/Local wetland inventory maps: NYSDEC Article 24 Map, Mcchanieville, NY [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [X] Other photographs (Date): May 6, 2005 [] Advanced Identification Wetland maps: [X] Site visit/determination conducted on: October 25, 2004, and May 6, 2005 [] Applicable/supporting case law:
	[] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-01047 PROJECT LOCATION INFORMATION: State: New Jersey Middlesex County: Center coordinates of site (latitude/longitude): lat:40-29-26.6280 lon:74-17-13.2720 Approximate size of area (parcel) reviewed, including uplands: 10 acres. Name of nearest waterway: Raritan Bay Name of watershed: RARITAN BAY JURISDICTIONAL DETERMINATION Date: 31 Mar 2005 Completed: Desktop determination [X]Site visit(s) Date(s): [] Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary ID is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industrics in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Freshwater wetlands are adjacent to Raritan Bay, which is a navigable waterbody.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR p.] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	[] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or dehris deposits (foreshore) [] physical markings/eharacteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	; [] vegetation lines/changes in vegetation types.
Į.	$\mathbf{X}]$ Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
]]]	the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating a retain water and which are used exclusively for since growing. [] Artificial reflecting or swimming pools or other since by excavating and/or diking dry land to retain water and the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets 328.3(a). [] Isolated, intrastate wetland with no nexus to inter-	basis of 33 CFR part 328.3(a)(3). at the following waters present on the site are not Waters of ads or lagoons, pursuant to 33 CFR part 328.3. upland if the irrigation ceased. and/or diking dry land to collect and uch purposes as stock watering, irrigation, settling basins, or mall ornamental bodies of water created ter for primarily aesthetic reasons. cental to construction activity and pits excavated in dry land for set and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR state commerce. atural Resources Conservation Service. Explain rationale:
	VIEWED FOR JURISDICTIONAL DETERMINATIONAL Maps, plans, plots or plat submitted by or on behalf of the sheets prepared/submitted by or on behalf of the matches office concurs with the delineation report, decay matches office does not concur with the delineation of the matches office does not concur with the delineation of the matches of the matches of the corps. This office does not concur with the delineation of the matches of the matches of the corps. This office does not concur with the delineation of the matches of the concurrence of the delineation of the matches of the corps. This office concurs with the delineation of the delineation of the delineation of the delineation on the delineation of the d	of the applicant. e applicant. e applicant. ated , prepared by (company): eport, dated , prepared by (company): os: gles: les:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2005-00111

PROJECT LOCATION INFORMATION:

State: New York County: Saratoga

Center coordinates of site (latitude/longitude): lat:42-53-21.4440 lon:73-46-47.8200

Approximate size of area (pareel) reviewed, including uplands: 13 acres.

Name of nearest waterway: Unnamed tributary to Dwaas Kill

Name of watershed: HUDSON RIVER

JURISDICTIONAL DETERMINATION

Completed:	Desktop determination	[X]	Date: February 1, 2005
	Site visit(s)	[]	Date(s):

Jurisdictional Determination (JD):

[X	Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
[]	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

		interstate or foreign comr	nerce, including all v	vaters which are st	ubject to the ebb	and flow of the	tide.
[](2)	The presence of interstat	e waters including int	erstate wetlands ¹ .			
[](3)	The presence of other wa	iters such as intrastate	e lakes, rivers, stre	eams (including in	ntermittent strea	ms), mudflats
		sandflats wetlands sloud	he prairie potholes u	vet meadows inlay	/a lakes or natura	al nande the use	degradation

[] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

-] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands within the 13 acre site are adjacent to an unnamed tributary to the Dwaas Kill. The Dwaas Kill is a tributary to the Anthony Kill, which discharges into the Hudson River, a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the charaeter of soil [X] destruction of terrestrial vegetation [X] shelving [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetland delineation map prepared by: N.Y.S. Department of Transportation
Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). [] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. [] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. [] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). [] Isolated, intrastate wetland with no nexus to interstate commerce. [] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: [] Other (explain):
EVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): [X] Maps, plans, plots or plat submitted by or on behalf of the applicant. [] Data sheets prepared/submitted by or on behalf of the applicant. [] This office concurs with the delineation report, dated, prepared by (company): [] This office does not concur with the delineation report, dated, prepared by (company): [] Data sheets prepared by the Corps. [X] Corps' navigable waters' studies: Listing for Hudson River [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic maps: Round Lake Quadrangle [] U.S. Geological Survey 7.5 Minute Historic quadrangles: [] U.S. Geological Survey 15 Minute Historic quadrangles: [X] USDA Natural Resources Conservation Service Soil Survey: Saratoga County [] National wetlands inventory maps: [X] State/Local wetland inventory maps: Round Lake Quadrangle [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [X] Other photographs (Date): sent on January 21, 2005
[] Advanced Identification Wetland maps: [] Site visit/determination conducted on: [] Applicable/supporting case law: [] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.